HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23011 of 2006

Dated:08.11.2006

Between:

B.Vijayasree, and another.

…Petitioner

and

The Magistrate of First Class (RDO) and another.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23011 of 2006

ORDER:

The second petitioner is the daughter of the first petitioner and the second respondent. The second petitioner was statedly born on 22.07.1989. However, the birth was not registered with the Registrar of Births and Deaths under the Registration of Births and Deaths Act, 1969 (for short 'the Act'). Therefore, the petitioners herein filed an application under sub-section (3) of Section 13 of the Act before the first respondent requesting for an order to enable the registration of birth of the second petitioner. Though such application was filed in February 2006, it appears, the first respondent did not take up the application for enquiry and for further orders, allegedly, under the influence of the second respondent. In this Writ Petition a mandamus is sought to the first respondent to dispose of the application filed by the petitioners under Section 13(3) of the Act.

Though the learned Assistant Government Pleader opposed the Writ Petition raising various technical objections, having regard to the innocuous relief prayed, this Court is of considered opinion that the first respondent should dispose of the matter as expeditiously as possible, preferably, within a period of three weeks from the date of receipt of a copy of this order. This order shall not be construed as

expressing any opinion on the right or entitlement of the petitioners to obtain an order under Section 13(3) of the Act or to seek registration of the birth of the second petitioner at this point of time.

The Writ Petition is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

08.11.2006

Note: Issue C.C by 13.11.2006.

B/o.

vs